



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/701,430

Confirmation No.: 9774

In re Application of:

Group Art Unit: 1764

Toshio YAMADA et al.

Examiner: Hien Thi Tran

Filed: November 29, 2000

For: CANNING STRUCTURE AND METHOD FOR PRODUCING CATALYTIC
CONVERTER USING THE CANNING STRUCTURE

COMMENTS IN RESPONSE TO ARGUMENTS IN ADVISORY ACTION

U.S. Patent and Trademark Office
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Randolph Building
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Alexandria, Virginia 22313-1450

Sir:

The Examiner's justification for the rejections appearing in the November 4, 2005 Advisory Action have been considered. Applicants respectfully submit that the claims patentably define over the cited art for the reasons presented in the Request for Reconsideration filed October 26, 2005, and for the following reasons.

Locker et al. EP'133 is directed to an improved catalytic converter that is of particular use in motorcycle internal combustion engines; see column 1, lines 8 to 10 and 56 to 58. The reference is directed to a particular configuration for a

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catalytic converter with a particular type of metal shell having both a wide portion and a narrow portion which combine to exert a compressive force on a wrapped substrate; see the last sentence of the Abstract. See also the discussion in the reference at column 2, line 44 to column 3, line 21; column 3, lines 33 to 40, and column 4, line 41 to column 5, line 10 as well as claim 1. To be useful as a catalytic converter in a motorcycle internal combustion engine, the ceramic substrate will and must contain a catalyst as described in the paragraph bridging columns 6 and 7 of the reference. A person of ordinary skill in the art would have no reason to treat the disclosure of Locker et al. EP'133 as one suggesting use of the device (the catalytic converter) without a catalyst. As such, applicants disagree absolutely but with respect with the statement appearing in the first sentence of the fourth paragraph on page 2 of the Advisory Action. With no reason to regard Locker et al. EP'133 as teaching anything other than a catalytic converter with a catalyst thereon, a person of ordinary skill in the art would not seek to combine that reference with another teaching that is asserted to suggest to the artisan a similar device but without having a catalyst loaded on a ceramic honeycomb. For

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this additional reason, the combination of Locker et al. EP'133 and Close et al. '865 is improper.

In addition, Close, et al. 865 proposes using a cellular foam 30 and a resilient inorganic paper 22 to secure a catalytic support by virtue of the foam while Locker, et al. EP-133 describes using a non-intumescent supporting mat with a metal case having a specific structure to obtain a secure mounting. As such, the rejection has clearly been formulated in hindsight rather than based upon a collective teaching of the references themselves.

Langer et al. W0'144 describes various devices useful as catalytic converters, and diesel particular filters (generally pollution control devices) and firestops with various configurations many of which contain an element formed of two non-moldable flexible intumescent layers of different configurations. The discussion in the reference at pages 20 to 23 concerning a catalytic converter does not discuss or contemplate a possibility of a system without a loaded catalyst. Thus, for the same reasons given above regarding the rejection based upon a combination of Locker, et al. EP-133 and Close, et al. 865, the rejection based upon Langer, et al. W-0144 and

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Close, et al. 865 (further taken with Machida et al. '079) is likewise improper and should be withdrawn.

Allowance of the application is earnestly solicited. The Examiner is requested to telephone the undersigned should anything further be required in the case prior to formal allowance.

Respectfully submitted,

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December 7, 2005
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